

REMARKS/ARGUMENTS

Claims 1-5, 7, 8, 10-16 and 24-27 are pending in the present application. Claims 1, 4 and 8 are amended herein. Applicants graciously acknowledge the Examiner's indication that claims 15 and 27 contain allowable subject matter. No new claims have been added.

The Examiner rejected claims 1-5, 7, 8, 11-13, 16, 24-26 under 35 U.S.C § 102(a) as being anticipated by U.S. Patent No. 6,291,911 ("Dunk"). Applicants have amended claims 1 and 8 and respectfully submit that independent claims 1, 8 and 24 and all claims depending therefrom, including claims 2-5, 7, 10-16 and 25-27 are patentable over the art of record for the following reasons.

Independent claims 1 and 8 have been amended to include the feature "using current information from the magnetic actuator to modify..." The present invention is directed to, among other things, a power switching control device that controls a magnetic actuator. As recited in claims 1 and 8, the present invention uses *current information* from the actuator to determine whether to modify the modulated current pulses. Dunk fails teach or suggest this feature of independent claim 1 and 8. Specifically, Dunk uses *position* information not *current* information.

Generally, Dunk teaches a closed-loop feedback control system for electrical switchgear. Dunk discloses a closed-loop feedback system to monitor switchgear *position and velocity* to optimize switching operation in real time. (Dunk at col. 3, ll. 21-28). To achieve this goal, Dunk describes that "switchgear contact *position* information must be fed back to the microprocessor..." (Dunk at col. 7, ll. 10-19). The contact position information is derived from the position feedback device 14. (Dunk at col. 7, ll. 12-20). There is no teaching or suggestion in Dunk describing "using current information from the magnetic actuator to modify..." as recited in claims 1 and 8 of the present application.

As stated above, the Examiner also rejected independent claim 24 as anticipated by Dunk. Independent claim 24 recites "a power switching device controller adapted to...determine an *impedance value* for the coil..." The Examiner has cited Dunk col. 6, ll. 57-65 as teaching this element of claim 24. Applicants respectfully disagrees. The cited portion of Dunk only discloses using "*position and velocity information*" to control the current that is applied to moveable contact 71, not "*impedance value*" as recited in claim 24.

DOCKET NO.: ABMS-0122
Application No.: 09/875,059
Office Action Dated: March 3, 2004

PATENT

Claims 2-5, 7, 10-16 and 25-27 are dependent on independent claims 1, 8 and 24 and therefore, for at least the reasons stated above, are patentable over the cited art. Applicants respectfully request reconsideration and withdrawal of the rejections.

The Examiner also rejected dependent claims 10 and 14 (both dependent on claim 8) as being obvious over Dunk. As stated above, independent claim 8 is allowable over Dunk. Therefore, for at least the reasons stated above, dependent claims 10 and 14 are also patentable over Dunk. Applicants respectfully request reconsideration and withdrawal of the rejections of claims 10 and 14.

CONCLUSION

For all the foregoing reasons, Applicants respectfully submit that the pending claims patentably distinguish over the teachings of the cited references. Accordingly, a Notice of Allowance for claims 1-5, 7, 8, 10-16 and 24-27 is respectfully requested. In the event, however, that the Examiner believes that the application is not allowable for any reason, the Examiner is encouraged to contact the undersigned attorney to discuss resolution of any remaining issues.

Date: June 3, 2004



Erich M. Falke
Registration No. 49,049

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439